# MINORITY REPORT

OF THE

# COMMISSION

TO

# Revise and Codify the Election Laws of Pennsylvania

MADE BY

## WILLIAM COLEMAN FREEMAN

TO

The Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly at the Session of 1913

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## SUBJECTS

Extension of Direct Primary System,
Government of Cities by Commission,
Woman Suffrage, Short Ballot,
Assistance to Voters, Limitation of Campaign Expenditures,
Memoranda Election Laws of Various States.

## BILLS ANNEXED

Commission Form of Government for Cities, including Initiative, Referendum and Recall.

Extending Method of Nomination by Direct Vote to include all Elective State Officers and Preference Vote for U. S. Senator.

Presidential Preference Primary.

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*To the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly:*

Having had the honor to be appointed a member of the Commission to Codify and Revise the Election Laws of Pennsylvania, by the Governor of the Commonwealth, in pursuance of a joint resolution approved the thirteenth day of May, A. D. 1909, I herewith present the following report, dissenting herein from some of the views expressed in the one presented by my colleagues.

Attached to this report are three bills, which I present, trusting for the favorable action thereon of your honorable bodies, providing for:

1. Commission Form of Government for Cities, Boroughs and Towns, including Initiative, Referendum and Recall. (*See page 18.*)

2. The abolition of State conventions by the extension of the method of nomination by the direct vote of the people so as to include the offices of Governor, Lieutenant-Governor, Secretary of the Commonwealth, State Treasurer, Auditor-General and Secretary of Internal Affairs. (*See page 9.*)

(a). A direct vote by the elector for his preference of the candidates for the office of United States Senator, is also provided by this bill.

(b). A requirement that candidates for the office of State Senator, or member of the State House of Representatives, shall sign an anti-election statement that he will, or will not, if elected, vote for that candidate for United States Senator who receives the highest number of votes, is also provided by this bill.

3. Presidential Preference Primary, which provides for the direct expression of the choice of the people for a candidate for the office of President of the United States. (*See page 40.*)

## EXTENSION OF DIRECT PRIMARY SYSTEM.

Nation-wide changes in the election laws of the various commonwealths have been made in recent years. But in no time have the revisions been so numerous and so marked as during the past two years, when nearly one-half of the States have radically altered their election laws. The new acts in every instance, including other improvements, were evidently drawn for the main purpose of placing the function of naming candidates for elective public place in the hands of the people by means of the direct primary system.

Many have been led to suppose by its opponents that the direct primary system is a fad, an experiment. As a matter of fact the method is as old as the history of our government, and the "town-hall meetings" as conducted by our grandsires was the first expression of the direct primary.

Thirty-four states now nominate by means of the direct primary. Twenty-eight of these states have extended the system to nomination of candidates for United States Senator and twelve have included Presidential preference primaries. New York, Massachusetts, New Jersey, Illinois, Ohio, Nebraska, Oregon, Colorado, New Mexico, South Dakota, Wyoming, Kansas, Washington, Wisconsin and California are among the states that have made changes in their election laws within the past two years.

The rapid spread of the direct primary system, its great favor with the people, I submit, is a verdict in confirming my belief that the direct primary should not only be extended to all of the elective offices in the Commonwealth of Pennsylvania, but to the naming of the United State Senators, and as a means of giving the people of the Commonwealth an opportunity for the individual expres-

sion of their preference for a candidate for President, hence the bill that I have prepared and made a part of this report.

## GOVERNMENT OF CITIES BY A COMMISSION.

Recognizing a widespread desire on the part of a number of cities in this Commonwealth to adopt commission government, after studying the various laws of other States on the subject, I instructed the Secretary of the Commission, William H. Hay, to draft a bill on the lines of the New Jersey Act. This bill, through its provisions, permits cities to adopt commission government by the vote of the people.

The success of commission government in the rebuilding of Galveston, Texas, attracted the attention of the country to the possibilities of the system of governing cities by a commission. Des Moines, Iowa, was one of the first to apply it to the administration of its civic affairs. Boston, Massachusetts, soon followed, and it is now in force in over two hundred cities in the country.

In regard to the question of the Initiative, Referendum and Recall, these institutions are provided for in the accompanying bill for commission form of government for cities. Provision has been made therein that every city having a population of one million or above shall be governed by a Board of seven Commissioners; over one hundred thousand, by five, and under one hundred thousand, by three Commissioners. After their election the members elect one of their number "Mayor." The Board of Commissioners shall have and possess all administrative, judicial and legislative powers and duties now exercised by the Mayor, the Directors, and the City Council. The duties, according to the number of Commissioners, are divided into departments, as follows:

In cities governed by a Board of Seven Commissioners:

1. Department of Public Affairs.

2. Department of Revenue and Finance.
3. Department of Public Safety.
4. Department of Public Works and Highways.
5. Department of Parks and Public Property.
6. Department of Health, Sanitation and Charities.
7. Department of Supplies.

In cities governed by a Board of Five Commissioners:

1. Department of Public Affairs
2. Department of Revenue, Finance and Supplies.
3. Department of Public Safety and Public Property.
4. Department of Public Works and Highways.
5. Department of Health, Sanitation and Charities.

In cities governed by a Board of Three Commissioners:

1. Department of Public Affairs, Public Safety, Public Health and Sanitation.
2. Department of Revenue, Finance and Supplies.
3. Department of Public Works, Highways and Public Property.

Believing, as I do, in the short ballot and in the concentration of responsibility in the government of municipalities, I am constrained to strongly urge the passage of an act which will enable its adoption by cities in this Commonwealth which desire government by commission.

## WOMAN SUFFRAGE.

I cannot concur in the action of my colleagues in returning with a negative recommendation a bill to amend the Constitution to provide for equal suffrage. This bill was referred to the Commission by the State Senate Committee on Judiciary General.

Twenty-eight states have legislated the right to vote to women, nine of the states having equal suffrage. There is sufficient demand for this legislation as to justify a doubt as to the desires of the people of this Commonwealth. The question of equal suffrage is one of such importance that I feel we have no right to deny the people the privilege of voting upon it.

States having equal suffrage, including the date of such legislation, are: Wyoming, 1869; Colorado, 1893; Idaho, 1896; Utah, 1896; California, 1911; Arizona, 1912; Kansas, 1912; Oregon, 1912, and Washington, 1910.

I therefore recommend the passage of a Constitutional Amendment permitting the people of Pennsylvania to vote upon this measure. In making this recommendation, I wish to emphasize the fact that it is not to be taken as an expression of my personal views upon Woman Suffrage. I am prompted to assume this position by a sense of fair play, and a desire to see this question settled by the people.

## SHORT BALLOT.

In many instances the ballot can be shortened only by means of Constitutional Amendment, but the demand is so widespread that it seems proper to call attention to some of the things that could be thus accomplished.

State officers, such as State Treasurer, Auditor-General and Secretary of Internal Affairs, are business officers, requiring chiefly business experience coupled with honesty. Popular interest in these offices is at a minimum. Nor are the people of the entire State in a position to judge of the business qualifications of the candidates by their appearance on the stump. How can a voter in an eastern county be expected to pass upon the qualifications of a candidate for State Treasurer from Pittsburgh, for example. Political considerations enter too much into the selection of men to fill State offices of a business character—often to the detriment of the people.

The Constitution should be so altered as to provide for the appointment by the Governor of the Auditor-General, State Treasurer, and Secretary of Internal Affairs. With this added power in the hands of the Governor, the people would be even more careful in selecting the best candidate for this position. I am convinced that the more important the office of Governor is made, and the greater the power bestowed, the more care will be exercised in filling this office. And in the event of poor appointments, the people may know just where to place the responsibility.

If the power to appoint State officers was vested in the Governor, a safeguard could be provided, if desired, through a provision for their recall by the Legislature at its biennial session, or by popular vote. If by the latter, I would favor the system of Party Recall. For my part, I do not believe in recall except as applied to Commission Form of Government for Cities, where it is a necessary safeguard.

## ASSISTANCE OF VOTERS.

Under the General Election Laws of this State, "if any voter declares to the judge of election that by reason of any disability he desires assistance in the preparation of his ballot, he shall be permitted by the judge of election to select a qualified voter of the election district to aid him in the preparation of his ballot, such preparation being made in the voting compartment." Under the laws of this State regulating Uniform Primaries * * * no elector shall be permitted to receive any assistance in marking his ballot, unless he shall first make an affidavit that he cannot read the names on the ballot, or that by reason of physical disability he is unable to mark his ballot." Gross abuses have grown up under the provisions of the former law, and I am heartily in favor of regulating the assistance of voters at General Elections in a manner now applying at Uniform Primaries. It has been urged that it would be too difficult to enforce such limitations in assistance at General Elec-

tions, but if separate ballot systems, which the Commission has recommended shall be adopted, there can be no good reason why voters should not be thus limited in their assistance to cast their ballots. During the session of the Legislature of 1907, I spoke in favor of a bill, then proposed, applying these provisions to the General Election, and in accordance with my position then taken, I urgently recommend the enactment into a law of this additional safeguard to honest elections.

Since then I have joined my colleagues on the Commission in recommending the enactment of a similar provision contained in the report of the Commission to the Legislature of 1911, and I earnestly concur in the same recommendation which is repeated in the majority report.

## LIMITATION OF CAMPAIGN EXPENDITURES.

I have not prepared a bill covering this subject, but I desire to bring this matter to the attention of the Legislature in the hope that some law will be enacted which will limit the amount of money a candidate for public office may lawfully expend. Public office is not a chattel, to be purchased by the highest bidder. It is a public trust. Too often have men attained office, not by reason of their ability, but only because of the lavish expenditure of money. And while the Corrupt Practice Act defines the purposes for which money may be spent, it places no limit upon the amount. The amount to which a candidate should be limited should be based upon a consideration of the salary, and the size of the constituency. The recent act of Congress, limiting the amount which candidates for the United States Senate and the House of Representatives may lawfully expend, is a step in the right direction, which should enable the candidate of moderate means to compete with his more wealthy rival. It now remains for the State to continue the good work by placing proper restrictions upon the expenditures of candidates for state, county and municipal offices.

## CONDENSED MEMORANDUM OF THE ELECTION LAWS OF THE VARIOUS STATES.

There will accompany the majority report, as a part of the same, a comprehensive digest of the election laws of the various States. I commend this digest to the members of your honorable bodies as a ready means of obtaining valuable information in re the election laws of our sister States. The data for this digest was collected and arranged by Mr. William H. Hay, the Secretary of the Commission.

A recapitulation of this digest shows the following interesting facts:

### RECAPITULATION.

*Registration.*

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|---|---|
| Personal Registration and Party Enrollment, | 17 States |
| Personal Registration without Party Enrollment | 24 States |
| Other methods | 7 States |

*Nomination.*

| | |
|---|---|
| Uniform Primary Direct | 30 States |
| Party Primary Direct | 4 States |
| Party Primary | 14 States |

*Ballot.*

| | |
|---|---|
| New York Form | 27 States |
| Massachusetts Form | 15 States |
| No Legal Form | 4 States |
| Other | 2 States |

*Woman Suffrage.*

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|---|---|
| Equal Suffrage | 9 States |
| Limited Suffrage | 19 States |

*Initiative, Referendum and Recall.*

| | |
|---|---|
| Initiative | 15 States |
| Referendum | 16 States |
| Recall | 8 States |

*Preference Primary.*

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|---|---|
| Presidential | 12 States |
| Senatorial | 28 States |

I concurred in and voted in favor of the bills which will be submitted with the report of my colleagues providing for a State-wide party enrollment; a system of selling poll taxes at the polls on registration days; the separate ballot system; designating a single court for filing applications for preempting party names and increasing the number of signers to the petition for the same; and providing for the payment of mileage to the inspector in country districts for returning ballot boxes after the election.

Respectfully submitted,

WILLIAM COLEMAN FREEMAN

# UNIFORM PRIMARIES

## AN ACT

To amend an amendment approved April sixth, nineteen hundred and eleven, of an act "Providing a uniform method of electing certain party officers, and delegates to the State and National conventions, and of making nomination to certain public offices; providing for the payment of the expenses of the same; making certain violations thereof misdemeanors, and prescribing penalties for the violations of its provisions," approved the seventeenth day of February, Anno Domini one thousand nine hundred and six, by providing that all candidates for elective public offices now nominated by delegates to State conventions shall be nominated by direct vote or as otherwise specified; providing that the names of candidates for the office of United States Senator shall be placed on the official primary election ballots of their respective parties; providing that candidates for the Legislature shall make and sign statements regarding vote on United States Senator; providing for the number of signers to the nominating petition for candidates for the office of Governor, Lieutenant-Governor, Secretary of the Commonwealth, State Treasurer, Auditor-General, and Secretary of Internal Affairs; providing that the signed consent of the candidates shall accompany every petition to place his name upon the primary ballot; providing that no candidate's name shall be printed upon the ballot of more than one party, except with the consent of every such party, and providing for the withdrawal of candidates.

SECTION 1. *Be it enacted, etc.*, That section two of an act, entitled "An act providing a uniform method of electing certain party officers and delegates to the State and National conventions, and of making nominations for certain public offices; providing for the payment of the expenses of the same; making certain violations thereof misdemeanors, and prescribing penalties for the violations of its provisions," approved February seventeenth, Anno Domini one thousand nine hundred and six, which reads as follows, to wit:

SECTION 2. From and after the approval of this act one primary shall be held each year, in every election district of this Commonwealth in which nominations are to be made or delegates or party officers elected as herein provided. The said primaries shall be held on the last Saturday of September in all odd-numbered years, and on the second Saturday of April in all even-numbered years. The primary held on the last Saturday of September shall be known as the Fall primary, and the primary held on the second Saturday of April shall be known as the Spring primary.

Delegates to *State and* National conventions, except delegates-at-large to National conventions, which shall be elected by the State convention, shall be elected at the Spring primary, throughout the Commonwealth, by any party or body of electors one of whose candidates, at either the general or municipal election preceding polled two per centum of the largest entire vote cast in the State for any candidate at the last general election. Candidates for all offices to be filled at the general election with the exception of those nominated by National *or State* conventions, shall be nominated at the Spring primary. Candidates for all offices to be filled at the municipal election shall be nominated at the Fall primary; and such party officers as are provided for by the rules of the several political parties, to be elected by vote of the party electors, shall be elected at the Spring primary, by any political party or body of electors one of whose candidates, at either the general or municipal election preceding such primary, polled two per centum of the largest entire vote cast in the political district, in which nominations are to be made or candidates elected, for any candidate at the last general election.

No delegates to *State or* National conventions, or officers of parties, shall be elected, or candidates for the public offices herein specified, be nominated, in any other manner than as set forth in this act; Provided, That nothing herein contained shall prevent the nomination of candidates for borough or township offices, or other offices not herein spe-

cifically enumerated, in the manner provided by existing laws; or any association of electors, not constituting a party, from nominating candidates by nomination papers, as is provided by existing laws.

This act shall not apply to the nomination of candidates for Presidential electors, or to the nomination of candidates to be voted for at special elections to fill the vacancies; but it shall not be construed to prevent the nomination of Presidential electors at primaries, if the rules of the respective parties so provide," be and the same is hereby amended so as to read as follows:

SECTION 2. From and after the approval of this act one primary shall be held each year, in every election district of this Commonwealth in which nominations are to be made or delegates or party officers elected as herein provided. The said primaries shall be held on the last Saturday of September in all odd-numbered years, and on the second Saturday of April in all even-numbered years. The primary held on the last Saturday of September shall be known as the Fall primary, and the primary held on the second Saturday in April shall be known as the Spring primary.

Delegates to National conventions, shall be elected at the Spring primary, throughout the Commonwealth, by any party or body of electors, one of whose candidates at either the general or municipal election preceding polled two per centum of the largest entire vote cast in the State for any candidate at the last general election. Candidates for all offices to be filled at the general election, with the exception of those nominated by National conventions, shall be nominated at the Spring primary. Candidates for all offices to be filled at the municipal election shall be nominated at the Fall primary; and such party officers as are provided for by the rules of the several political parties, to be elected by vote of the party electors, shall be elected at the Spring primary, by any political party or body of electors one of whose candidates, at either the general or municipal election preceding

such primary, polled two per centum of the largest entire vote cast in the political district, in which nominations are to be made or candidates elected, for any candidate at the last general election.

No delegates to National conventions, or officers of parties, shall be elected, or candidates for the public offices herein specified be nominated, in any other manner than as set forth in this act: Provided, *That party candidates for the office of United States senator shall have their names placed in the official primary election ballots of their respective parties, in the manner provided in this act for State officers;* and also provided that nothing herein contained shall prevent the nomination of candidates for borough or township offices, or other offices not herein specifically enumerated, in the manner provided by existing laws; or any association of electors, not constituting a party, from nominating candidates by nomination papers, as is provided by existing laws.

This act shall not apply to the nomination of candidates for Presidential electors, or to the nomination of candidates to be voted for at special elections to fill the vacancies, but it shall not be construed to prevent the nomination of Presidential electors at primaries, if the rules of the respective parties so provide.

SECTION 2. That section three of said act, which reads as follows:

"SECTION 3. On or before the ninth Saturday preceding the primary, the Secretary of the Commonwealth shall send to the county commissioners in each county a written notice, setting forth the number of Congressmen and officers of the Commonwealth not nominated by State conventions, to be elected or voted for therein at the next succeeding election.

On or before the same date, in even numbered years, the chairman of the State Committee of each party shall send to the county commissioners a written notice, setting

forth the number of delegates to be elected in such county to the State and National conventions of such party.

On or before the ninth Saturday preceding the Spring primary the chairman of the county committee of each party shall send to the county commissioners of such county a written notice, setting forth the names of all party officers to be filled by election at the ensuing primary.

On or before the ninth Saturday preceding the Fall primary, the chairman of the county committee of each party, shall send to the county commissioners of such county a written notice, setting forth the names of all county and city offices to be filled by the election at the ensuing primary.

Upon receipt of such notices, and beginning within one week thereafter, such county commissioners shall publish the number of delegates to be elected to the *State and* National conventions of each party, together with the names of all offices for which nominations are to be made or candidates for the party offices to be elected, within the county, at the ensuing primary, at least one week for three successive weeks, in two newspapers of general circulation published within the county, wherever such course is possible. Such newspapers, so far as practicable, shall be representative of different political parties," be and the same is hereby amended so as to read as follows:

SECTION 3. On or before the ninth Saturday preceding the primary, the Secretary of the Commonwealth shall send to the county commissioners in each county, a written notice, setting forth the number of Congressmen and officers of the Commonwealth to be elected or voted for therein at the next succeeding election; *this notice in a year preceding the election of a United States Senator in Congress shall include that office.*

On or before the same date, in even numbered years, the chairman of the State Committee of each party shall send to the county commissioners a written notice, setting

forth the number of delegates to be elected in such county to the National conventions of such party.

On or before the ninth Saturday preceding the Spring primary, the chairman of the county committee of each party shall send to the county commissioners of such county a written notice setting forth the name of all party offices to be filled by election at the ensuing primary.

On or before the ninth Saturday preceding the Fall primary, the chairman of the county committee of each party shall send to the county commissioners of such county a written notice, setting forth the names of all county and city offices to be filled by the election of the ensuing primary.

Upon receipt of such notices, and beginning within one week thereafter, such county commissioners shall publish the number of delegates to be elected to the National conventions of each party together with the names of all offices for which nominations are to be made or candidates for the party offices to be elected, within the county, at the ensuing primary at least once each week for three successive weeks in two newspapers of general circulation published within the county, wherever such course is possible. Such newspapers, so far as practicable, shall be representative of different political parties.

Section 3. That section five of said act which reads as follows:

Section 5. The names of candidates shall be printed upon the official ballot of a designated party, upon the filing of petitions, signed by qualified electors of the political district division within which the nomination or election is to be made, setting forth that the signers thereof are members of the party designated.

The said petition, in the case of candidates for Congress or for State offices, shall be filed at least four weeks prior to the primary, with the Secretary of the Commonwealth; and in all other cases shall be filed, at least three

weeks prior to the primary, with the county commissioners of the respective counties.

The number of signers shall be as follows:

1. Candidates for nomination for members of Congress, Judges of the various courts, and State Senator, two hundred qualified electors.

2. Candidates for nomination for members of the State House of Representatives, and for offices to be voted for by the entire county, fifty qualified electors.

3. Candidates for nomination for all other offices, for delegates to State and National conventions, and for party offices, ten qualified electors," be amended to read as follows:

"SECTION 5. The names of candidates shall be printed upon the official ballot of a designated party upon the filing of petitions signed by qualified electors of the political district or division within which the nomination or election is to be made, setting forth that the signers thereof are members of the party designated *and accompanied by the signed consent of the candidate, duly acknowledged in the manner provided for the acknowledgment of deeds: Provided, That after a petition has been filed to place the name of a candidate upon the ballot of any party, no petition shall be filed to place his name upon the ballot of any other party unless he shall first withdraw as a candidate of such party, or unless such petition shall be accompanied by the written consent of every party whose nomination he seeks, signified by the certificate of the chairman of the respective party committees for the political district for which said nomination is to be made, that such committee consents thereto.*

The said petition in the case of candidates for United States Senate, Congress, or for State offices, shall be filed at least four weeks prior to the primary with the Secretary of the Commonwealth, and in all other cases shall be filed

at least three weeks prior to the primary with the county commissioners of the respective counties.

The number of signers shall be as follows:

1. *Candidates for nomination for Governor and United States Senator, 100 qualified electors in each county in the Commonwealth.*

2. *Candidates for nomination for Lieutenant-Governor, Secretary of the Commonwealth, State Treasurer, Auditor-General and Secretary Internal Affairs, fifty qualified electors in each county of the Commonwealth.*

3 Candidates for nomination for members of Congress, Judges of the various courts and State Senators, two hundred qualified electors.

4. Candidates for nomination for members of the State House of Representatives and for offices to be voted for by the entire county, fifty qualified electors.

5. Candidates for nomination for all other offices, for delegates to conventions and for party offices, ten qualified electors.

*Candidates for the office of State Senator, or member of the State House of Representatives, or for election to either of such offices at any primary election next preceding the election of a United States Senator in Congress, shall include with his affidavit, one of the two statements hereinafter set forth in this section and subdivision, and his failure to include either of such statements shall be a valid ground on the part of the Secretary of State for refusal to receive and file his nomination paper or papers. Such statements shall be in substantially the following form:*

STATEMENT NO. 1.

*I further declare to the people of Pennsylvania and to the people of the ..... (senatorial or assembly) district that during my term of office, without regard to any individual preference, I will always vote for that candidate*

*for United States Senator in Congress, who shall have received for that office the highest number of votes cast for that position at the general election next preceding the election of a senator in Congress.*

. . . . . .

*Signature of Candidate.*

STATEMENT No. 2.

*I further declare to the people of Pennsylvania and to the people of the . . . . . (senatorial or assembly) district, that during my term of office, I shall consider the vote of the people for United States Senator in Congress as nothing more than a recommendation, which I shall be at liberty wholly to disregard, if the reasons for so doing seem to me sufficient.*

. . . . . .

*Signature of Candidate.*

*On the ballot used at the primary election, after or under the name of each candidate for state senator, or assemblyman, shall appear the words, "Signed statement No. 1" or "Signed statement No. 2" according as the candidate included with his affidavit "Statement No. 1," or "Statement No. 2." And the wording of both "Statement No. 1" and "Statement No. 2" shall appear at length on the face of the ballot in a convenient and conspicuous place.*

*Any person for whom a petition has been filed as aforesaid may, at any time up to ten days before the primary, withdraw his name with the same effect as if such petition had never been filed, by filing in the office in which such petition was filed his written withdrawal, duly acknowledged in the manner provided for the acknowledgment of deeds.*

# COMMISSION GOVERNMENT FOR CITIES, ETC.

## AN ACT

Relating to, regulating and providing for the government of cities, towns, boroughs and other municipalities within this State.

*Be it enacted, etc.*

1. All cities, towns, boroughs and other municipalities of this State that hereinafter adopt the provisions of this act shall be governed as herein set forth, and wherever the word "city" or "cities" appears in this act, it shall be construed to mean "town" or "towns," "borough" or "boroughs," or other "municipality" or "municipalities."

2. At the first election held in such city next after the adoption of the provisions of this act as herein provided, there shall be elected in such cities, by the duly authorized voters therein, the number of persons as hereinafter provided to be commissioners of such city, each of whom shall have been a citizen and resident of such city for at least two years immediately preceding his election as such commissioner, who shall serve as such commissioner until the third Tuesday in May in the fourth year following such election and until their successors are elected and shall have duly qualified and every fourth year thereafter, at the regular municipal election in such city, there shall be elected the number of persons as hereinafter provided as commissioners with like qualifications to serve for the term of four years and until their successors have been elected and duly qualified. Should any vacancy occur among such commissioners the remaining commissioners shall, within thirty days thereafter, elect a properly qualified person to fill such vacancy to serve for the unexpired term.

The term of office of such commissioners first elected under the provisions of this act shall commence on the first Tuesday following such election, and the term of office of all succeeding commissioners shall commence on the third Tuesday of May next ensuing after their election, at twelve o'clock, noon, and, upon the organizing of the commissioners in any such city, elected under this act, the City Council or other governing body or bodies theretofore acting as governing body or bodies in such city and having any other function shall be *ipso facto* abolished, and the terms of all councilmen, civil service commissioners, and all other officers, whether elective or appointive, whose offices shall conflict with the provisions of this act, shall immediately cease and determine, providing, however, that nothing herein contained shall be construed to effect in any way, the term of office of any policeman, fireman, or other employe of any police or fire department, veteran of any war, or other official or employe now protected by any tenure of office act.

Section 3. Every city, having by the last preceding State or National census, one million population or above, shall be governed by a board of commissioners consisting of seven commissioners, and every city having, by the last census, one hundred thousand or over population, shall be governed by a board of commissioners consisting of five commissioners, and every city, borough or town, having, by the last preceding census, under one hundred thousand population, shall be governed by a board of commissioners consisting of three commissioners chosen as provided by this act, each of whom shall have the right to vote on all questions coming before the board of commissioners; provided, however, that the number of the commissioners in any city may be increased from three to five or decreased from five to three by an ordinance adopted by the board of commissioners in accordance with all the provisions of this act. A majority of the members of the board of commissioners

shall constitute a quorum and the affirmative vote of a majority of all the members shall be necessary to adopt any motion, resolution or ordinance, or pass any measure unless otherwise provided for in this act. Every resolution or ordinance shall be reduced to writing and read before the vote is taken thereon, and the vote upon every such motion, resolution or ordinance shall be by yeas and nays, and shall be recorded. At the first meeting, after their election, the said commissioners shall choose one of their number to preside at all meetings of the board of commissioners, and he shall be designated "Mayor," but he shall have no power to veto any measure. Every resolution or ordinance passed by the board of commissioners must be in writing and signed by a majority of all the commissioners.

Section 4. The board of commissioners shall have and possess all administrative, judicial and legislative powers and duties now had and possessed and exercised by the Mayor and City Council and all other executive or legislative bodies in said city, and have complete control over the affairs of the city adopting the provisions of this act. The executive, administrative and legislative powers, authority and duties in such city shall be distributed according to census requirements enumerated in Section 3 of this act as follows: The executive, administrative and legislative powers, authority and duties in such city allotted seven commissioners into seven departments; in cities allotted five commissioners, into five departments, and in cities allotted three commissioners, three departments, in order as follows:

1. Department of Public Affairs.
2. Department of Revenue and Finance.
3. Department of Public Safety.
4. Department of Public Works and Highways.
5. Department of Parks and Public Property.
6. Department of Health, Sanitation and Charities.
7. Department of Supplies.

In cities governed by a board of five commissioners:

1. Department of Public Affairs.
2. Department of Revenue, Finance and Supplies.
3. Department of Public Safety and Public Property.
4. Department of Public Works and Highways.
5. Department of Health, Sanitation and Charities.

In cities governed by a board of three commissioners:

1. Department of Public Affairs, Public Safety, Public Health and Sanitation.
2. Department of Revenue, Finance and Supplies.
3. Department of Public Works, Highways and Public Property.

SECTION 5. The board of commissioners shall determine the powers and duties to be performed by each department and assign such powers and duties to the appropriate departments, and they shall prescribe the powers and duties of all officers and employes and they may assign particular officers and employes to one or more departments and may require any officer or employe to perform duties in two or more departments and make such other rules and regulations as may be necessary or proper for the efficient and economical conduct of the business of the city.

The Mayor shall be the director of the Department of Public Affairs, and the board of commissioners shall, at the first regular meeting, after the election of its members designate by majority vote one commissioner to be director of the Department of Revenue and Finance, one to be director of the Department of Public Safety, one to be director of the Department of Public Works and Highways, one to be director of the Department of Parks and Public Property, one to be director of the Department of Health, Sanitation and Charities, one to be director of the Department of Supplies, except that upon the organization of a board of five or three commissioners, but five or three departments shall be designated as above provided, and, but five or three directors voted for, and such designation

may be changed whenever it appears that the public service would be benefited thereby.

The board of commissioners shall, at the first meeting, or as soon as may be after organization, create such subordinate boards and appoint such officers as it may deem necessary for the proper and efficient conduct of the affairs of the city. Any board created may be abated, or any officer or employe appointed by the board of commissioners may be removed from office at any time for cause, after public hearing, and such board of commissioners shall be the sole judge of the sufficiency of the cause of such removal.

The Mayor and board of commissioners shall have suitable offices and their total compensation shall be as follows: In such cities having by the last preceding State or national census, more than one million population, the Mayor's salary shall be not more than fifteen thousand dollars, annually, and that of each commissioner shall be not more than twelve thousand dollars annually; in cities having, by the last census, a population of over five hundred thousand, and not exceeding one million, the Mayor's annual salary shall not be more than twelve thousand dollars, and that of each commissioner shall not be more than ten thousand dollars; in cities having from one hundred thousand to five hundred thousand population, the Mayor's annual salary shall be not more than eight thousand dollars and that of each commissioner shall be not more than six thousand dollars; in cities, boroughs and towns having from fifty to one hundred thousand population, the Mayor's annual salary shall not be more than four thousand dollars and that of each commissioner shall not be more than twenty-five hundred dollars; in cities, boroughs and towns having twenty-five to fifty thousand population, the Mayor's annual salary shall not exceed twenty-five hundred dollars, and that of each commissioner shall not be more than two thousand dollars; in cities, boroughs and towns having a population from twelve to twenty-five thousand, the Mayor's annual

salary shall not be more than two thousand dollars and that of each commissioner shall not be more than fifteen hundred dollars; in cities, boroughs and towns having a population of from five to twelve thousand, the Mayor's annual salary shall not be more than fifteen hundred dollars and that of each commissioner shall not be more than one thousand dollars; in cities, boroughs and towns having a population of from twenty-five to fifty hundred, the Mayor's annual salary shall not be more than one thousand dollars and that of each commissioner shall not be more than seven hundred and fifty dollars; in cities, boroughs and towns having a population of one thousand to two thousand five hundred, the Mayor's annual salary shall not exceed seven hundred and fifty dollars and that of each commissioner shall not exceed more than five hundred dollars; in cities, boroughs and towns having a population from five hundred to one thousand, the Mayor's annual salary shall not be more than five hundred dollars and that of each commissioner shall be not more than two hundred and fifty dollars; in cities, boroughs and towns having a population from one hundred to five hundred, the Mayor's annual salary shall not be more than one hundred dollars and that of each commissioner not more than seventy-five dollars.

The salary and compensation of all other officers and employes of the city shall be fixed by the board of commissioners and shall be payable monthly or at shorter periods, as they shall determine; provided, however, that the compensation of the commissioners shall be fixed by an ordinance adopted by the board of commissioners immediately after the organization of the board, in accordance with all the provisions of this act. The compensation so fixed shall not be increased during the term for which such commissioners are elected.

Section 6. The board of commissioners shall designate the time of holding regular meetings, which shall be at least once a week, and special meetings may be called

from time to time by the mayor or by two commissioners. All meetings of the commissioners, whether regular or special, shall be open to the public, and any citizen may have access to the minutes upon application to the city clerk.

The Mayor shall be President of the board and shall preside at its meetings and supervise all departments and report to the board for its action all matters requiring the attention of the board on any department. Director of the Department of Revenue and Finance shall be Vice-President of the board, and, in case of vacancy in the office of Mayor, shall perform the duties of that office.

SECTION 7. Every ordinance or resolution appropriating money, ordering any street improvement, or sewer, or authorizing the making of any contract or granting any franchises, or the right to occupy or use the streets, highways, bridges or public places of the city for any purpose, shall be complete in the form in which it is finally passed and remain on file with the Mayor, for public inspection at least two weeks before the final passage or adoption thereof. No franchise, or right to occupy or use the streets, highways, bridges or public places in any city shall be granted, renewed or extended except by ordinance; and every ordinance shall be published in said city before being finally passed upon and must receive the approval, by vote, of one or more than a majority of all the members before being finally adopted.

SECTION 8. No officer or employe elected or appointed in any such city shall be interested, directly or indirectly, in any contract or job for work or materials, or the profits thereof, or services to be furnished or performed for the city, and no such officer or employe shall be interested, directly or indirectly, in any contract or job for work or materials, or the profits thereof, or services to be furnished or performed, for any person, firm or corporation, operating interurban railway, street railway, gas works, water

works, electric light or power plant, heating plant, telegraph line, telephone exchange, or other public utility within the territorial limits of said city. No such officers or employes shall accept or receive, directly or indirectly, from any person, firm or corporation operating within the territorial limits of said city, any interurban railway, street railway, gas works, electric light or power plant, heating plant, telegraph line, telephone exchange or other business using or operating under a public franchise, any frank, free pass, free tickets, or free service, or accept or receive, directly or indirectly, from any such person, firm or corporation, any other service upon terms more favorable than is granted to the public generally. And for the violation of these provisions the offender shall be punished as now provided, or may be provided hereafter by law or ordinance.

Such prohibition of free transportation shall not apply to policemen or firemen in uniform, nor shall any free service to city officials heretofore provided by any franchise or ordinance be affected by this section.

Section 9. All cities adopting the provisions of this act shall be and are hereby vested with the general powers and authority to enact and enforce by imposition of reasonable fines or by imprisonment or both, all ordinances necessary for the protection of life, health and property; to declare and prevent and summarily to abate nuisances to preserve and enforce the good government and general welfare, order and security of such city, and shall have all powers necessary for its government not in conflict with the laws applicable to all cities of this State or the provisions of the Constitution.

All ordinances or resolutions heretofore passed in any such cities, not inconsistent with the rights and powers herein granted, shall remain in full force and effect until altered or repealed by the commissioners in the manner herein provided.

SECTION 10. All officers and employes in any such city shall be elected or appointed with reference to their qualifications and fitness, and for the good of the public service, and without reference to their political faith or party affiliations. It shall be unlawful for any candidate for office, or any officer in any such city, directly or indirectly, to give or promise any person or persons any offices, position, employment, benefit or anything of value for the purpose of influencing or obtaining the political support, aid or vote of any person or persons under the penalty of being disqualified to hold the office to which he may have been elected or appointed.

Every elective officer, in any such city, shall, within ten days after qualifying, file with the county councilman, and publish at least once in a newspaper printed and published in such city, and if no newspaper is printed or published in such city, then in a newspaper of general circulation in such city, his sworn statement of all his election and campaign expenses, and by whom such funds were contributed. Any violation of the provisions of this section shall be a misdemeanor and a ground for removal from office.

SECTION 11. The board of commissioners shall, each month, publish in at least one newspaper in such city, or print in pamphlet form, a detailed itemized statement of all the receipts and expenses of the city and a summary of its proceedings during the preceding month, and shall file and furnish printed copies thereof to all persons who shall apply therefor at the office of the Mayor. At the end of each year the board of commissioners shall cause a full and complete examination of all the books and accounts of the city to be made by competent accountants, and shall publish the result of this examination in the manner above provided for the publication of monthly expenditures.

SECTION 12. If, at the beginning of the term of office of the first board of commissioners elected in such city

under the provisions of this act, the appropriations for the expenditures of the city government for the then current fiscal year have been made, the said board of commissioners shall have power, by ordinance, to revise, repeal or change such appropriations, and to make additional appropriations.

SECTION 13. The system of public instruction in any city adopting the provisions of this act shall in no way be affected by this act.

SECTION 14. In every such city there shall be held a primary election for nomination for commissioners to be elected under the provisions of this act, and the first primary election for such nominations shall be held on the fourth Saturday following the election at which the voters shall have voted to adopt the provisions of this act, and thereafter the primary election for such nomination shall be held on the second Saturday in April in the fourth succeeding year and on the second Saturday in April in the fourth year thereafter.

The election officers conducting the last general annual election shall be the officers of the primary election as well as the officers of the general municipal election, and the primary and municipal elections shall be held at the same places and conducted in the same manner, so far as possible, and the polls shall be opened and closed at the same hours as provided by the general primary and election laws.

The names of candidates for commissioners shall, at least ten days prior to the primary election, be filed with the county commissioners in the manner and form and under the conditions hereafter set forth and the petition of nominations shall consist of individual certificates equal in number to at least one-half of one per centum of the entire vote at the last preceding general election, but in no event less than twenty-five, and said petition shall read substantially as follows:

I, the undersigned, a qualified elector of the city of ....., residing at ....., certify that I do hereby join in a petition for the nomination of ..... ....., whose residence is at ....., for the office of commissioner, to be voted for at the primary election to be held in such city on the ....., 19.., and I further certify that I know this candidate to be a qualified elector of said city and a man of good moral character, and qualified, in my judgment, for the duties of such office, and I further certify that I have not signed more petitions or certificates of nominations than there are places to be filled in the above office.

(Signed) .....

Being duly sworn, deposes and says, that he is the person that signed the foregoing certificate; that the statements contained therein are true and correct.

(Signed) .....

Subscribed and sworn to before me .....

It shall be the duty of the county commissioners to furnish, upon application, a reasonable number of forms of individual certificates of the above character.

Each certificate must be a separate paper and must contain the name of but one signer thereto, and no more, and shall contain the name of but one candidate, and no more. Each signer must not, at the time of signing the certificate, have signed more certificates for candidates for that office than there are places to be filled in such office, and in case an elector has signed two or more conflicting certificates, all such certificates shall be rejected.

When such a petition of nomination is presented for file to the county commissioners, they shall forthwith examine the same and ascertain whether it conforms to the provisions of this section, and if not found in conformity thereto, they shall designate the defect and return the petition to the person signing it, which may again be presented when properly amended.

Immediately upon the expiration of the time of filing certificates, statements and petitions for candidates, the county commissioners shall cause to be published for three successive days in all the daily newspapers published in such city, in proper form, the names of the persons as they are to appear upon the primary ballots, and if there be no daily newspapers, then in two issues of any other newspapers that may be published in said city; and the county commissioners shall thereupon cause the primary ballots to be printed, authenticated with a facsimile of their signature. Upon the said ballot, arranged in alphabetical order, shall appear the names of the candidates for commissioners with a square at the left of each name, and below the names of such candidates in cities of one million population or over shall appear the words "Vote for seven," and in cities of less than one million population shall appear the words "Vote for five," and in cities of less than one hundred thousand population, shall appear the words "Vote for three." The ballots shall be printed upon plain, substantial white paper, and shall be headed:

Candidate for Nomination for Commissioners of City at the primary election, but shall have no party designation indicative of the source of the candidacy or of the support of any candidate or mark whatever. Place a cross in the square preceding the names of the persons you favor as candidates for the respective positions.

Having caused said ballot to be printed, the county commissioners shall cause to be delivered at each polling place a number of said ballots equal to twice the number of votes cast in such polling precinct at the last general election. The persons who are qualified to vote at the general municipal election shall be qualified to vote at such primary election, and challenges can be made by not more than two persons, to be appointed at the time of opening the polls by the judges of election; and the law applicable to challenges made at a general or municipal election shall be applicable to challenges at such primary election. Judges

of election shall, immediately upon the closing of the polls, count the ballots and ascertain the number of votes cast in such precinct for each of the candidates, and make return thereof to the county commissioners upon proper blanks, to be furnished by the county commissioners within six hours of the closing of the polls. On the day following the said primary election the county commissioners shall canvass said returns so received from all the polling precincts, and shall immediately make and file in the office of the county commissioners the result thereof. Said canvass of the county commissioners shall be publicly made.

Section 15. And in every city of one million population or more, seven commissioners, and in cities of less than one million population, five commissioners, and in cities less than one hundred thousand population, three commissioners shall be elected, at an election to be held on the fourth Tuesday following the primary election, following the election at which the voters shall have voted to adopt the provisions of this act, and on the second Tuesday in April in each fourth year thereafter. The number of candidates equal to twice the number of places to be filled, receiving the highest number of votes at the primary election, shall be the candidates, and the only candidates whose names shall be placed upon the ballot at the succeeding municipal election, and the number of candidates equal to twice the number of places to be filled, receiving the highest number of votes for commissioners, or all such candidates, if less than twice the number of places to be filled shall be the candidates, and the only candidates, whose names shall be placed upon the ballot for commissioners at such municipal election, and the ballot at such municipal election shall be in the same general form as for said primary election, so far as possible, and at all elections in such city the election precincts, voting places, methods of conducting election, canvassing the votes and announcing the results, shall be the same as herein provided for the selection of

candidates at the primary election, and the number of candidates equal to the number of places to be filled receiving the highest number of votes shall be elected as commissioners as herein provided.

## RECALL.

SECTION 16. The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to affect the removal of an incumbent of an elective office shall be as follows: A petition signed by the electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty-five per cent. of the entire vote at the last preceding general election demanding an election of a successor of the person sought to be removed, shall be filed with the county commissioners which petition shall contain a general statement of the grounds for which the removal is sought.

The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make an oath before an officer competent to administer oaths that the statement therein made is true as he believes, and that each signature to the paper appended is the genuine signature of the person whose name it purports to be. Within ten days from the date of filing such petition the county commissioner shall examine, ascertain whether or not said petition is signed by the requisite number of qualified electors, and he shall attach to said petition his certificate, showing the result of said examination. If, by the county commissioner's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate.

The county commissioner shall, within ten days after such amendment, make like examination of the amended petition, and if this certificate shall show the same to be insufficient, it shall be returned to the person filing the

same, without prejudice to the filing of a new petition to the same effect. If the petition shall be deemed to be sufficient, the county commissioner shall submit the same to the board of commissioners without delay.

If the petition shall be found to be sufficient the board of commissioners shall, if the officer sought to be removed shall not resign within five days after the date on the county commissioner's certificate, order and fix a date for holding the said election, not less than thirty days or more than forty days from the date on the county commissioner's certificate to the board of commissioners that a sufficient petition is filed.

The board of commissioners shall make, or cause to be made, publication of notice and all arrangements for holding such election, and the same shall be conducted, returned and the result thereof declared in all respects as are other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the county commissioner shall place his name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election, if some other person than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from the office upon the qualification of his successor. In case the person who receives the highest number of votes should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes, he shall continue in office. The same method of removal shall be cumulative and additional to the methods heretofore provided by law. No person who has been recalled from an elective office, or who has resigned from such office while recall proceedings were pending against him shall be appointed to any office within one year after such recall or resignation.

No recall petition shall be filed against any officer until he has actually held his office for at least twelve months, and but one recall petition shall be filed against the same officer during his term of office.

## INITIATIVE.

SECTION 17. Any proposed ordinance may be submitted to the board of commissioners by petition signed by electors of the city equal in number to the percentage hereinafter required. The signatures, verification, authentication, inspection, certification, amendment and submission of such petition shall be the same as provided for petitions under the last section.

If the petition accompanying the proposed ordinance be signed by electors equal in number to fifteen per centum of the votes cast at the last preceding general election, and contains a request that the said ordinance be submitted to a vote of the people if not passed by the board of commissioners, such board of commissioners shall either:

(a). Pass said ordinance without alteration within twenty days after attachment of the county commissioner's certificate to the accompanying petition, or,

(b). Forthwith, after the county commissioner shall attach to the petition accompanying such ordinance, his certificate of sufficiency, the board of commissioners shall call a special election, unless a general municipal election is fixed within ninety days thereafter, and at such special or general municipal election, if one is so fixed, such ordinance shall be submitted without alteration to the vote of the electors of the city.

But if the petition is signed by not less than ten nor more than fifteen per centum of the electors, as above defined, then the board of commissioners shall, within twenty days, pass said ordinance without change, or submit the same at the next general city election occurring not more than thirty days after the county commissioner's certificate of sufficiency is attached to said petition.

The ballots used when voting upon said ordinance shall contain these words: "For the ordinance" (stating the nature of the proposed ordinance) and "Against the ordinance" (stating the nature of the proposed ordinance). If a majority of the qualified electors voting on the proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city; and any ordinance proposed by petition, or which shall be adopted by a vote of the people, cannot be repealed or amended except by a vote of the people.

Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this section, but there shall not be more than one special election in any period of six months for such purpose.

The board of commissioners may submit a proposition for the repeal of any such ordinance or for amendment thereto, to be voted upon at any succeeding general city election, and should such proposition so submitted receive a majority of the votes cast thereon at such election, such ordinances shall thereby be repealed or amended accordingly. Whenever any ordinance or proposition is required by this act to be submitted to the voters of the city at any election, the county commissioner shall cause such ordinance or proposition to be published once in at least one of the newspapers published in said city; such publication to be not more than twenty nor less than five days before the submission of such proposition or ordinance to be voted on.

## REFERENDUM.

Section 18. No ordinance passed by the board of commissioners except when otherwise required by the general laws of the State or by the provisions of this act, except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency and is passed by a two-thirds vote of

the board of commissioners, shall go into effect before ten days from the time of its final passage; and if during said ten days, a petition signed by electors of the city equal in number to at least fifteen per centum of the entire vote cast at the last preceding general municipal election, protesting against the passage of such ordinance, be presented to the board of commissioners, the same shall thereupon be suspended from going into operation, and it shall be the duty of the board of commissioners to reconsider such ordinance; and if the same is not entirely repealed, the board of commissioners shall submit the ordinance, as is provided by sub-section B of section seventeen of this act, to the vote of the electors of the city, either at the general election or at a special municipal election to be called for that purpose; and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of said section seventeen, except as to the percentage of signers, and be examined and certified to by the county commissioner in all respects as therein provided. Any ordinance or measure that the board of commissioners or the qualified electors of the city shall have authority to enact, the board of commissioners may of its own motion submit to the electors for adoption or rejection at a general or special municipal election, in the same manner and with the same force and effect as is provided in this act for ordinances or measures submitted on petition. At any special election called under the provisions of this act, there shall be no bar to the submission of other questions to a vote of the electors in addition to the ordinances or measures herein provided for, if said other questions are such as may legally be submitted to such election. If the provisions of two or more measures approved at the same election conflict, then the measure receiving the highest affirmative vote shall control.

## ADOPTION REQUIREMENTS.

SECTION 19. This act shall take effect immediately, but its provision shall remain inoperative in any city of this State until assented to by a majority of the legal voters thereof voting at an election to be held in such city, which election shall be called by the county commissioner upon the request or petition in writing of twenty per centum of the legal voters voting at the last general election. Upon such petition or request in writing being filed with the county commissioner, the said county commissioner shall forthwith call an election to be held on the third Tuesday following the date of the filing of such petition with him, and shall cause public notice of the time and place of holding the same to be given by advertisement signed by himself and set up in at least twenty different places in such cities and published in at least one newspaper printed and published in such city, and if no newspaper is printed or published in such city, then in a newspaper circulated therein, for at least six days previous to the time of such election; and said county commissioner shall provide ballots for each voter at such election, to be printed upon plain, substantial white paper, which shall contain these words:

"For the adoption or the rejection of the city of (here name of city) of the provisions of an act of one thousand nine hundred and eleven, entitled, 'An act relating to, regulating and providing for the government of cities, towns, boroughs and other municipalities within this State.'" Upon said ballots shall appear the phrase "For the adoption," and the phrase "Against the adoption," with a square at the left of each phrase, and below shall appear the words "Vote for or against"; "Place a cross in one square."

Such election shall be held at the usual places of holding the annual election in such city. The polls shall remain open during the usual hours, and every such election shall be conducted by the same election officers for the time being in the manner prescribed by law regulating elections, and

such officers shall report to the county commission of such city a true and correct statement in writing under their hands of the results of such election, and it shall be the duty of the county commissioner to certify and report the same to the city council, or other legislative body, of such city or municipality, at its first meeting thereafter, and the same shall be entered at large in the minutes of said body. Whereupon, if it is found that the majority of the votes cast are in favor of the adoption of this act, this act shall in all respects become and be operative in such city, and binding upon the inhabitants thereof and upon all persons and property to be affected thereby; provided, however, that the votes cast in favor of the adoption of this act is equal to at least thirty per centum of the votes cast for members of the General Assembly at the last general election immediately preceding the submission of this act as aforesaid; and, immediately after the election and organization of the board of commissioners provided herein, it shall abrogate, repeal and annull all acts or parts of acts then existing, whether general or special, in anywise affecting the government of such cities which are contrary to or inconsistent with the provisions of this act.

If a majority of the votes cast are not in favor of the adoption of this act, then the provisions of this act shall remain inoperative and no further proceedings shall be taken until after the beginning of the last year of the term of the Mayor, or equivalent officer, elected at the election following the rejection of this act, after which date, upon the presentation of another petition or request, as provided for herein, the same procedure shall be had and the question of the adoption or rejection of the provisions of this act again submitted in the manner herein set forth, and with the same force and effect.

## REVERSION TO THE CHARTER.

Section 20. Any city which shall have operated for more than six years under the provisions of this act, may

abandon such organization hereunder and may resume its charter by proceeding as follows:

Upon the petition of not less than twenty-five per centum of the electors of such city, a special election shall be called at which the following proposition shall be submitted: "Shall the city of (name of city) abandon its organization under the provisions of an act of one thousand nine hundred and eleven, entitled, 'An act relating to, regulating and providing for the government of cities within this State,' and resume or adopt a charter under another act?"

If a majority of the votes cast at such special election be in favor of such proposition, the officers elected at the next succeeding regular municipal election shall be those prescribed by the charter, and upon the qualification of such officers such city shall become a city under the charter, but such change shall not in any manner or degree effect the property, right or liability of any nature of such city, but shall merely extend to such change in its form of government.

SECTION 21. If any proviso, clause or section of this act shall be attacked in any court and shall be declared invalid or unconstitutional, the rest of this act shall stand, and the proviso, clause or section declared invalid or unconstitutional shall be exscinded from this act.

# PRESIDENTIAL PREFERENCE PRIMARY ACT.

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# PRESIDENTIAL PREFERENCES PRIMARY

## AN ACT

To provide for the expression by the qualified electors of the several political parties of their choice for nomination by their party for President of the United States and to provide for the election of the delegates of said political parties to their respective National conventions, and to call an election in conformity with the provisions of this act.

SECTION 1. *Be it enacted, etc.,* That on the second Saturday of April, 1916, and of every fourth year thereafter, there shall be held a primary nominating election to be known as the April presidential primary election, at which the qualified electors of the several political parties shall have opportunity, on separate party ballots provided for that purpose, to express their preference as to the nominees of their respective parties for president of the United States, and also to elect the delegates of their respective parties to their respective National conventions for the nomination of their party candidates for president and vice-president of the United States.

SECTION 2. The names of the candidates for nomination as president of the United States shall be printed upon the ballots, upon the filing of nomination papers substantially as provided in an act providing a uniform method of electing certain party officers, etc., approved 1906 and hereinafter referred to in this act as the "uniform primary act"; provided that nomination papers for each of the said candidates must be signed by not less than one per centum of the voters of his party in each congressional district of the State; and further provided, that no candidate for nomination for president need sign or file any petition,

affidavit, declaration, statement or paper of any kind to get his name upon the ballot, but that in the event that any person who is presented as a candidate for nomination for president by filing of nomination papers as herein provided for, shall, on or before the thirty-fifth day before the date of the presidential primary election, announce by an affidavit, declaration, or statement filed in the office of the secretary of the commonwealth, that he is not a candidate for nomination for president, and that he does not wish his name to be printed upon the ballot for said election, the said secretary of the commonwealth shall not certify or transmit the name of such candidate to the respective county commissioner, and such name shall not be printed upon the ballots. The names of the several candidates for nomination for president together with the blank space for writing the name of such a candidate, and the headings for the same shall appear at the top and center of the ballot immediately below the instructions to voters, and shall be printed in heavy face eight point, capital type. The order in which the names of the candidates for presidential nominees shall be printed upon the ballot, shall be the order in which the nomination papers of such candidates are filed with the secretary of the commonwealth; and such names shall be printed one after the other in a horizontal line, each name being followed by a voting square, the space for the name and voting square together being headed by the words "For Presidential Nominee," printed in heavy face ten point gothic type, and occupying no less than two and a half inches of horizontal space. This space shall be left blank above the "No Preference Column" provided for in section 5 of this act. Below the words "For Presidential Nominee" heading the blank space hereinbefore provided for, shall be the words "Blank Space" in six point gothic type. Above the words and spaces herein described shall be printed in heavy face twelve point gothic type the word "vote for One as Your Choice for Presidential Nominee."

SECTION 3. The chairman of the State Central Committee of each of the political parties qualified to participate in the election provided for in this act shall notify the secretary of the commonwealth on or before the first day of March of each bissextile or leap year as to the number of delegates to represent the State in the next National convention of his said party. If the State chairman, or any of them, fail to file such notice, it shall be the duty of the secretary of the commonwealth to ascertain the said number of delegates from the call for said National convention issued by the National Committee of each party whose chairman has failed to notify him as aforesaid. The delegates who shall represent each political party at its National convention shall all be elected by the voters of the State at large. The secretary of the commonwealth shall, on or before the tenth day of March of the year of the April presidential primary election, certify to the county commissioner of each county, or city and county, the number of delegates to be so elected by each of the political parties qualified to participate in the said election. Any political party shall be qualified to participate in the April presidential primary election which is qualified to participate in the September primary election according to the provisions of the "direct primary law."

SECTION 4. The names of persons to be voted upon as delegates to the respective National conventions of the several political parties shall be printed upon the ballots of their respective parties upon the filing of nomination papers substantially in the form provided in uniform primary act; provided, that in the case of each party, nomination papers for candidates for delegates must be signed by not less than one per centum of the voters of said party in each congressional district of the State; and provided, also, that when the number of names of candidates printed upon the same nomination paper exceeds the number of congressional districts in the State, but is less than twice the number

of such districts, the names of such candidates, thus grouped together shall be so selected that not more than three and not less than one of such candidates shall reside in any one congressional district, and that when the number of names of candidates printed upon the same nomination paper exceeds twice the number of congressional districts in the State, the names of such candidates thus grouped together shall be so selected that not more than four and not less than two of such candidates shall reside in any one congressional district; and if not so selected said names shall not be grouped together on the ballot, but shall appear as individuals.

Candidates for delegate grouped together on the same nomination paper and selected as aforesaid shall be similarly grouped, in the same order of names, upon the ballots of their party; provided, that such group of candidates for delegate has the endorsement of that candidate for presidential nominee for whom the members of said group have filed a preference, or the endorsement of such a State political organization created in support of the candidacy of said presidential nominee as shall not be repudiated by him as lacking authority to make such endorsement; said endorsement, either of the candidate or the organization supporting him, to be filed with the secretary of the commonwealth. No candidates for delegates thus endorsed shall have their names printed upon the ballot in a group, but such candidates must appear as individuals; and further provided, that the name of no candidate shall appear more than once on the ballot, and that any candidate whose nomination paper is filed in more than one group, or in the same group differently arranged, shall have his name printed on the ballot as a part of the group which has received the endorsement as herein recited; provided, that one of the groups in which his name occurs has received such endorsement.

Each candidate for election as delegate to his National party convention must file with the secretary of the commonwealth not later than the time of filing of nomination

papers containing his name, an affidavit substantially as provided in the "uniform primary act," and may also include with his affidavit the statement "I personally prefer ———— as nominee of my party for president of the United States" (filling in the blank by inserting his choice for such nominee). But his failure to include such statement shall not be a valid ground on the part of the secretary of the commonwealth for refusal to receive and file the nomination papers containing his name.

SECTION 5. The names of the candidates for delegate in any political party shall be arranged upon the ballots of such party in parallel columns each column standing directly underneath the space headed by the words, "For Presidential Nominee," and the various candidates for delegate appearing in these columns as determined by their preference for president, according to the provisions of section 4 of this act. The left-hand column shall be headed in heavy face ten point gothic type, "Candidate Preferring ————" (the blank being filled out by the surname of the first candidate for presidential nominee on the ballot, as determined by section 2 of this act). The second column shall be similarly headed, except that the surname of the candidate for presidential nominee shall be for the name second in the list of candidates for presidential nominee, and so on for as many candidates for presidential nominee as are printed at the top of the ballot in the list of such candidates. To the right of the last column headed by the surname of a candidate for presidential nominee shall be a column headed "No Preference Column," in which shall appear the names of all candidates for delegate who have expressed no preference for presidential nominee or who have expressed a preference for a candidate for presidential nominee other than the candidates for presidential nominee printed at the top of the ballot. Above this "No Preference Column," neither the words "For Presidential Nominee" nor the space for the name of such nominee shall appear. To the right of this last

column shall be a column headed "Blank Column," which shall contain as many blank spaces as there are delegates to be elected by the political party concerned. In case there are no names of candidates for delegate to be placed in a "No Preference Column," such "No Preference Column" shall be omitted from the ballot, and the "Blank Column" as herein provided for shall be placed to the right of and contiguous to the last column headed by the surname of a candidate for presidential nominee. In the event that two or more candidates for Presidential nominee whose names are printed upon the same ballot have the same surname, the distinguishing names or initials of such candidates shall be prefixed to their respective surnames on said ballot, following the words "Candidates Preferring."

The names of the various candidates for delegates shall be printed in eight point roman capital type, under their respective preferences for presidential nominee or in the no preference column, as heretofore provided in this act. The names of each group on the ballot shall be numbered in heavy face eight point type, the order of names for each column upon the ballot shall be the same as the order in which such names were filed with the secretary of the commonwealth; provided, that above the individual names in each column shall appear the group of names, if any, which has received the endorsement referred to in section 4 of this act.

A blank column one-half inch wide shall be left upon the ballot opposite each group of names and to the right of the column of voting squares for the individual names and separated from it by a light dotted line, which blank column shall contain a square in which may be stamped a cross (X) which shall be counted as a vote for each and every name in the group opposite. Lengthwise along this blank column shall be printed "A cross (X) stamped in this square shall be counted for each name of the group to the left." The line separating any name from any other name not in a group or from any group of names shall be

heavier than any line separating the individual names in such group, and shall extend across the blank column provided for in this paragraph. Below the top line of this extension shall be printed in small heavy face type the words "top of group," and above the bottom line of the extension, the words "end of group."

SECTION 6. Each candidate for election as delegate to his National party convention may include with his affidavit the statement hereinafter set forth in this section; but his failure to include such statement shall not be valid ground on the part of the secretary of the commonwealth for refusal to receive and file his nomination paper or papers. Such statement, if any be made, shall be in substantially the following form:

DELEGATE'S STATEMENT.

I hereby declare to the voters of my political party in the State of Pennsylvania that if elected as delegate to their National party convention, I shall, to the best of my judgment and ability, support that candidate for president of the United States who shall have received the highest number of votes cast throughout the entire State by the voters of my party for said office, at the April presidential primary election.

.....

Signature of candidate for delegate.

SECTION 7. The delegates to each National party convention elected at the April presidential primary election, shall, before leaving the State to attend the convention, meet together and select alternates to the convention. The number of alternates to be selected shall be no greater than one for each delegate, and each alternate must be selected from the congressional district of the delegate for whom he is an alternate; and the method of selection shall be as determined upon by majority of the whole number of delegates who

have been elected to the convention. The duties of an alternate shall be those usually appertaining to that position, and as prescribed by each party in the call for its National convention. The alternate of any such delegate as may be unable to attend the convention, shall attend the convention in its place, and shall otherwise discharge the duties of said delegate.

SECTION 8. For purposes of the April presidential primary election, the original affidavits of registration used in the last general election in any county or city and county in this State, shall be qualified to vote at such election, and shall receive the ticket of that political party only with which he has declared himself affiliated. Any person qualified by the provisions of this section to vote at any April presidential primary election shall also be qualified to sign the nomination papers of any person to be voted upon at such primary election.

SECTION 9. The ballot to be used at the April presidential primary election shall be prepared according to the provisions of sections 2, 4 and 5 of this act, and also according to such provisions of the "uniform primary act" as are applicable to this act and not in conflict with its provisions; providing, that the words at the top of the ballot shall be "Official Presidential Primary Election Ballot," and that the instructions to voters shall be as follows: "To vote for a person whose name appears on the ballot, stamp a cross (X) in the right square of the person for whom you desire to vote; or if you wish to vote for all of a group of persons, stamp a cross (X) in the square opposite such group, which shall be counted for each name of the group. A group consists of candidates for delegate nominated on the same nomination paper. To vote for a person whose name is not printed on the ballot, write his name in the blank space provided for that purpose." There shall be printed in heavy face, twelve point, gothic type, across the

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page above the column of candidates for delegates, the words, "For Delegates to National Convention Vote for ————————, either as individuals or by group, but do not vote for more than ————————" (the blanks being filled in by the number of delegates to be elected by the political party concerned).

SECTION 10. The provisions of the "Uniform Primary Law" shall govern the April presidential primary election in so far as said provisions are applicable to said election and are not inconsistent with or in conflict with the provisions of this act.

SECTION 11. This act shall be known as the Presidential Primary Act.

SECTION 12. All acts and parts of acts inconsistent with or in conflict with the provisions of this act are hereby repealed.